

REMARKS

I. Status of the Application

Claims 1, 8-18, and 20-26 are all the claims pending in the application. Applicant amends claims 1, 13, 18, 21-23, and 25-26 by way of this Amendment.

II. Claim Objections

Claim 21 is objected to because it depends from cancelled claim 4. Claims 21 and 22 are objected to because of informalities. Applicant amends claims 21 and 22 to correct these minor informalities. Withdrawal of these objections is thereby requested.

III. Claim Rejections - 35 U.S.C. § 112

Claims 1, 8-17, 21, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amends the claims to remove any ambiguities. Withdrawal of these rejections is thereby requested.

IV. Claim Rejections - 35 U.S.C. § 103(a)

A. Claims 1, 8, 9, 11-14, 16, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morane (US Patent No. 4,775,081).

Applicant respectfully submits that claims 1, 25 and 26 are not rendered obvious by Morane.

In particular, Morane fails to disclose the core being *entirely* engaged in the casing. According to the independent claims, the core (1) forms the connection sleeve and part of the

connection channel. It is entirely engaged in the casing (2) which forms the base skirt (22), the dispenser endpiece (24) and the bearing wall (23) defining the bearing surface (231).

Even if one were to modify the first embodiment (FIG. 1) of Morane, under the teachings of the alternative embodiment disclosed in FIG. 6, the modification would merely add on the extension 15 and projections 16 onto the structure disclosed in (FIG. 1), but would fail to provide a structure in which the core is entirely engaged in the casing.

Also, Applicant submits that the delivery tube 10 in Morane is not an “outer casing” and the actuating element 9 is not an “inner core”. The claims should be interpreted in light of the specification according to one of ordinary skill in the art. One of skill in the art would not consider the tube 10 and the actuating element 9 to be an outer casing and an inner core equivalent to the claimed invention. Rather, the tube 10 is connected to the element 9 through a male /female or female/male connection.

The independent claims recite "the core being received axially in the casing along the central axis (X)". The central axis in Morane is defined by the axial connection sleeve and the actuator rod of the valve 2 (in the figures, this axis is vertical). The actuating element 9 is not axially received in the tube 10. In fact, the axis of the duct 11 or extensions 14, 15 are not aligned with the central axis of the actuator rod of the valve. Therefore, the alleged core 9 is not axially received in the alleged casing 10 along the central axis of the actuator rod of the valve.

Still further, Applicant respectfully submits that the dispenser head in Morane is a tilt head pivoting around a horizontal axis, and is not displaceable down and up along the central vertical axis of the actuator rod.

In view of the foregoing, claims 1, 25 and 26 are not rendered obvious by Morane because Morane fails to teach or suggest an inner core and outer casing having a structural

relationship wherein the inner core is entirely engaged in the outer casing, and wherein the inner core is received in the outer casing axially along the central axis of the actuator rod, and wherein the dispenser head is displaceable up and down along the central axis of the actuator rod.

Moreover, claims 8-9, 11-14, 16 and 21 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

B. Claims 10, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morane as applied to claims 1 and 8, and further in view Lewiecki et al (US Patent No. 3,428,223).

Applicant submits that Lewiecki fails to overcome the deficiencies of Morane. Thus, even if one were to modify Morane based on Lewiecki one would still fail to arrive at the claimed invention. Thus, claims 10, 15 and 17 are patentable for at least the same reasons as claim 1, by virtue of their dependency therefrom.

C. Claims 18, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morane in view of Lasserre et al (US PGPU No. 2003/0071085 A1).

Lasserre fails to make up for any of the deficiencies noted above with respect to independent claim 1. That is, the combination of Morane and Lasserre fail to disclose a structure in which an inner core is received along in an outer casing along the central axis of a displaceable actuator rod, wherein the inner core is disposed entirely within the outer casing as recited in claim 18.

Thus, Applicant respectfully submits that independent claim 18, as well as dependent claims 20 and 22, are not rendered obvious by the combination of Morane and Lasserre.

D. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells (US Patent No. 5,765,601) view of Lasserre et al.

Applicant respectfully submits that the combination of Wells and Lasserre fails to disclose the structure of independent claim 23, wherein the outer casing entirely covers the core. The alleged outer casing 19 only covers the spout 44, but fails to cover any remaining portions of the alleged core 34 (see FIG. 4). Lasserre fails to provide any rationale for modifying Wells to have the claimed structure.

Thus, claim 23, as well as dependent claim 24, are distinguishable from the combination of Wells and Lasserre.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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